

1 Scott E. Gizer, Esq., Nevada Bar No. 12216
2 *sgizer@earlysullivan.com*
3 Sophia S. Lau, Esq., Nevada Bar No. 13365
4 *slau@earlysullivan.com*
5 EARLY SULLIVAN WRIGHT
6 GIZER & McRAE LLP
7 8716 Spanish Ridge Avenue, Suite 105
8 Las Vegas, Nevada 89148
9 Telephone: (702) 331-7593
10 Facsimile: (702) 331-1652

11 Kevin S. Sinclair, State Bar Number 12277
12 *ksinclair@sinclairbraun.com*
13 SINCLAIR BRAUN LLP
14 16501 Ventura Blvd, Suite 400
15 Encino, California 91436
16 Telephone: (213) 429-6100
17 Facsimile: (213) 429-6101

18 Attorneys for Defendant
19 FIDELITY NATIONAL TITLE INSURANCE COMPANY

20 DESIGNATED LOCAL COUNSEL FOR SERVICE OF
21 PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

22 Gary L. Compton, State Bar No. 1652
23 2950 E. Flamingo Road, Suite L
24 Las Vegas, Nevada 89121

25 **UNITED STATES DISTRICT COURT**

26 **DISTRICT OF NEVADA**

27 BANK OF NEW YORK MELLON,

28 Plaintiff,

vs.

29 FIDELITY NATIONAL TITLE
30 INSURANCE COMPANY,

31 Defendant.

32 Case No.: 2:20-CV-02124-RFB-BNW

33 **STIPULATION AND ORDER TO
34 EXTEND TIME TO REPLY TO
35 MOTION TO DISMISS AND RESPOND
36 TO COUNTERMOTION TO CERTIFY
37 QUESTIONS [ECF Nos. 13, 14]
38 (FIRST REQUEST)**

39 COMES NOW defendant Fidelity National Title Insurance Company (“Fidelity”) and
40 plaintiff The Bank of New York Mellon (“BONY”), by and through their respective attorneys of
41 record, which hereby agree and stipulate as follows:

42 1. On October 18, 2020 BONY filed its complaint in the instant action. (ECF No. 1.);
43 2. On January 19, 2021 Fidelity filed its motion to dismiss BONY’s complaint. (ECF

1 No. 10.);

2 3. On February 16, 2021, BONY filed its opposition to Fidelity's motion to dismiss
3 (ECF No. 13) and also filed a countermotion to certify questions to the Nevada Supreme Court.
4 (ECF No. 14);

5 4. Fidelity's reply supporting its motion to dismiss is due on February 23, 2021, while
6 its response to BONY's countermotion to certify questions is due on March 2, 2021;

7 5. Counsel for Fidelity is requesting a two-week extension of its deadline to file a
8 reply supporting its motion to dismiss and a one-week extension of its deadline to file a response
9 to BONY's countermotion, both until March 9, 2021, to afford Fidelity's counsel additional time
10 to review and respond to BONY's opposition and countermotion and to afford BONY's counsel
11 additional time to consider Fidelity's offer to stipulate to the filing of the proposed amended
12 complaint (i.e., ECF No. 13-11).

13 6. Counsel for BONY does not oppose the requested extension;

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 7. This is the first request for an extension made by counsel for Fidelity, which is
2 made in good faith and not for the purposes of delay.

3 **IT IS SO STIPULATED** that Fidelity's deadline to file a reply to the motion to dismiss
4 and to file a response to the countermotion to certify questions are both hereby extended through
5 and including March 9, 2021.

6 Dated: February 19, 2021

SINCLAIR BRAUN LLP

7 By: /s/-Kevin S. Sinclair

8 KEVIN S. SINCLAIR

9 Attorneys for Defendants

10 FIDELITY NATIONAL TITLE INSURANCE
11 COMPANY

12 Dated: February 19, 2021

AKERMAN LLP

13 By: /s/-Jamie K. Combs

14 JAMIE K. COMBS

15 Attorneys for Plaintiff

16 THE BANK OF NEW YORK MELLON

17 **IT IS SO ORDERED.**

18 Dated this 24th day of February, 2021.



19 _____
20 RICHARD F. BOULWARE
21 UNITED STATES DISTRICT JUDGE